INVESTIGATIVE SUMMARY

Investigative Summary

Incident: Deputy Involved Hit Shooting
LASD Report: 012-05513-1462-013
IAB File: SH2312667

Opening Statement
On Saturday, May 12, 2012, Internal Affairs Bureau investigators responded to an incident command post, established by Industry Station personnel on Hudson Avenue south of Stafford Street. Sergeant Sonja Bracken, Sergeant Brenda Parker and Lieutenant [redacted] were briefed regarding the circumstances of a Deputy Involved Shooting. Sergeant Sonja Bracken was assigned the responsibility for the administrative review of the incident.

Synopsis
On Saturday, May 12, 2012 at 1335 hours, deputies responded to an "armed car-jacking just occurred" call at Casino Auto Sales located at 13025 East Valley Boulevard in the city of Bassett. A male Hispanic identified as Suspect Xavier Gonzalez had stolen a white, Dodge Charger with a black hood, from the location and was armed with a handgun.

A crime broadcast was initiated via Sheriff's radio to all other responding Industry Station units. Deputies Tim Wolford and [redacted] Kenneth Mort, working a two-man unit, observed the vehicle traveling east on Temple Avenue near Perth Street in La Puente. They turned to follow the white Charger, driven by Gonzalez, as it sped away from them. Deputies Wolford and Mort initiated a pursuit of the vehicle. The pursuit lasted approximately one minute and terminated on westbound Stafford Avenue, on the south side of Industry Sheriff Station. Deputy Romel Piggue and Sergeant Gregory Gutierrez arrived simultaneously at the terminus of the pursuit.

Suspect Gonzalez stopped the Charger in the middle of Stafford Street, facing south. He exited the vehicle with a firearm in his possession. He would not comply with any of the deputies' commands to surrender and he yelled at deputy personnel to shoot him and kill him. Fearing that Gonzalez would arm himself with the handgun, Sergeant Gutierrez fired one less lethal stunbag round at Gonzalez. The stunbag round lost velocity and fell to the ground without striking Gonzalez. Gonzalez removed the firearm from his waistband and pointed it toward the deputies.

Operation Safe Streets Detective Robert Chism, who currently holds the rank of Sergeant, was walking through the parking lot, just south of the pursuit termination and observed Suspect Gonzalez brandishing a firearm at the pursuing deputies. As Gonzalez took a shooting stance on the west side of the stolen Charger, Chism took a position of cover behind a parked vehicle in the south parking lot, and fired four rounds from his Beretta pistol. Deputy Mort fired one round from his Beretta pistol. His partner, Deputy Wolford, fired at total of twelve rounds at the suspect from his Beretta pistol. Deputy Piggue fired one round from his Beretta pistol and experienced a malfunction in his weapon.

Suspect Gonzalez fell to the ground behind the stolen vehicle. He sustained multiple gunshot wounds to the upper torso and one to the head. He was pronounced dead at the scene by Los Angeles County Paramedics.

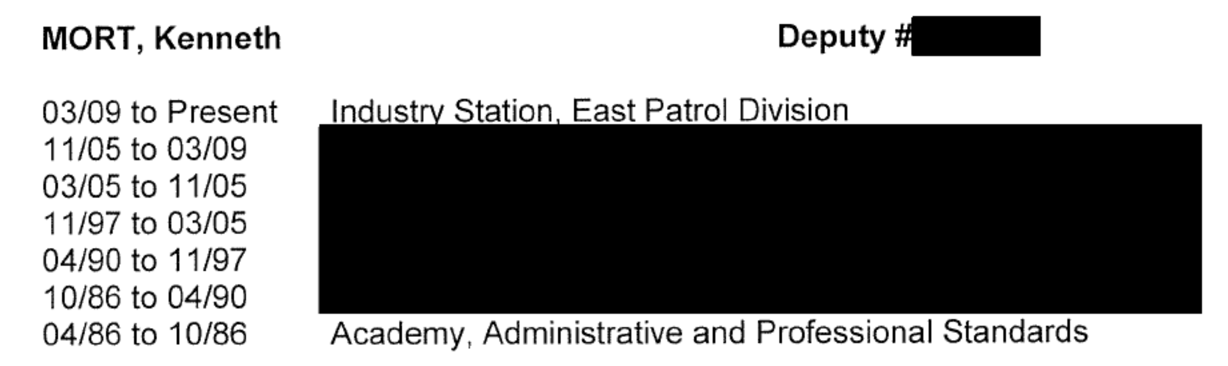
No deputies were injured.

A Heckler and Koch, .45 Caliber semiautomatic pistol was recovered near Suspect Gonzalez. It was loaded and cocked, with one round in the chamber and eight rounds in the attached magazine. One expended .45 caliber shell casing was recovered near the suspect. Two .12 gauge expended stunbag shotgun shells, three live 9mm rounds and sixteen expended 9mm shell casings were also recovered at the scene.

The incident was documented in a Homicide Bureau's case book, **Exhibit A,** and vehicle pursuit packet, **Exhibit B,** provided by Industry Station.

> **IAB Note**: During their Homicide and IAB interviews, the involved personnel were not sure if Suspect Gonzalez had fired his weapon but they all said they fired their weapons in fear for the safety of their partners, once he brandished his firearm.

<u>Involved Personnel/Work History</u>

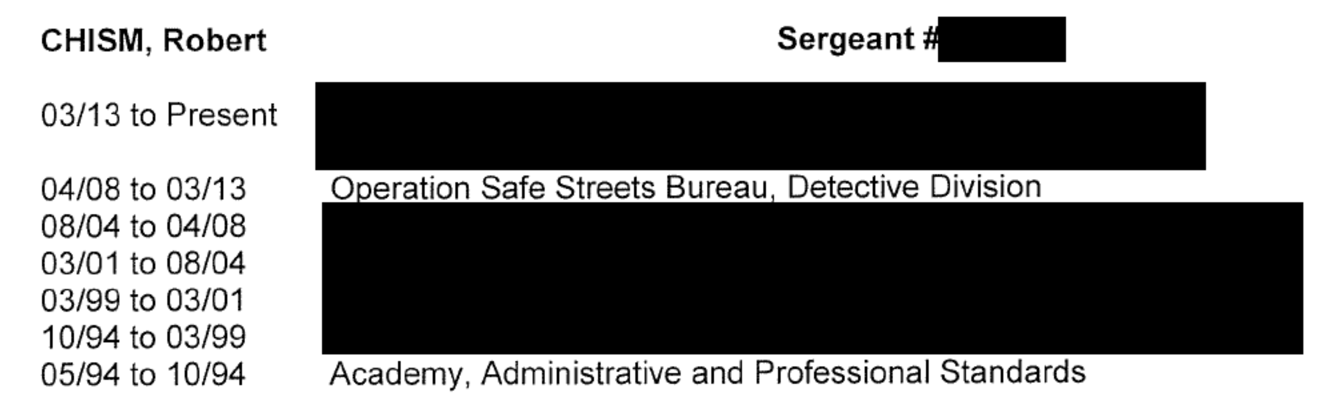


MORT, Kenneth **Deputy #[redacted]**

03/09 to Present	Industry Station, East Patrol Division
11/05 to 03/09	[redacted]
03/05 to 11/05	
11/97 to 03/05	
04/90 to 11/97	
10/86 to 04/90	
04/86 to 10/86	Academy, Administrative and Professional Standards

Weapon used: Fired one round of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm semi-automatic pistol.

CHISM, Robert **Sergeant #**[redacted]



03/13 to Present [redacted]

04/08 to 03/13 Operation Safe Streets Bureau, Detective Division
08/04 to 04/08 [redacted]
03/01 to 08/04
03/99 to 03/01
10/94 to 03/99
05/94 to 10/94 Academy, Administrative and Professional Standards

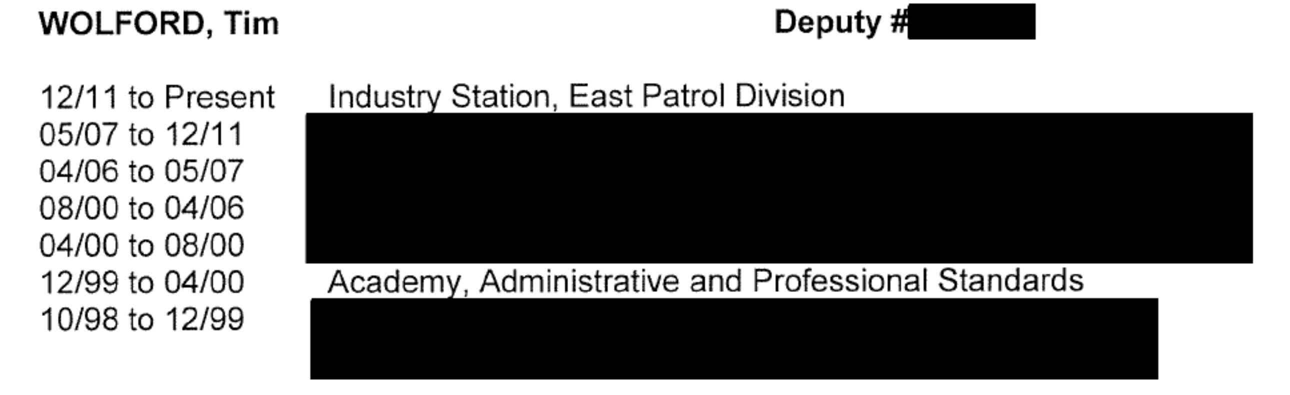
Weapon used: Fired four rounds of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm semi-automatic pistol.

PIGGUE, Romel (Retired) **Deputy #**[redacted]

12/89 to 01/14 Industry Station, East Patrol Division
11/88 to 12/89 [redacted]
06/88 to 11/88
05/84 to 06/88
12/83 to 05/84 Academy, Administrative and Professional Standards

Weapon used: Fired one round of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm semi-automatic pistol.

WOLFORD, Tim **Deputy #**[redacted]

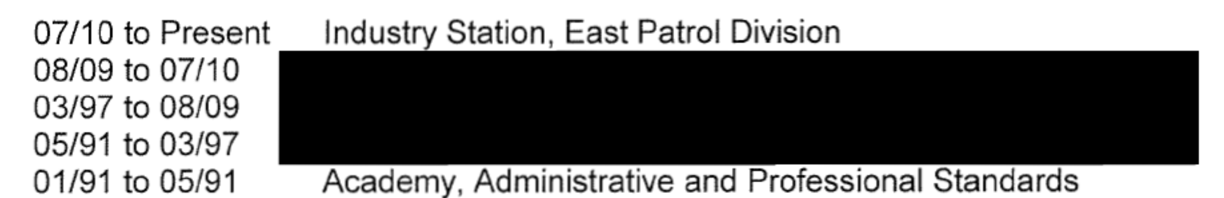


12/11 to Present Industry Station, East Patrol Division
05/07 to 12/11 [redacted]
04/06 to 05/07
08/00 to 04/06
04/00 to 08/00
12/99 to 04/00 Academy, Administrative and Professional Standards
10/98 to 12/99 [redacted]

Weapon used: Fired twelve rounds of Department issued 9mm ammunition from a Department issued Beretta, Model 92F, 9mm semi-automatic pistol.



GUTIERREZ, Gregory **Sergeant #**[redacted]

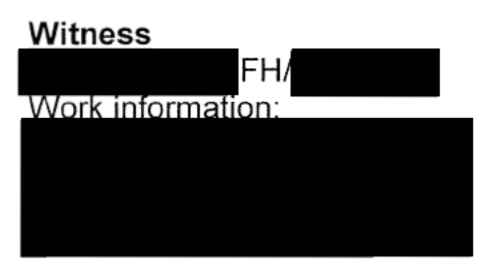


07/10 to Present Industry Station, East Patrol Division
08/09 to 07/10 [redacted]
03/97 to 08/09 [redacted]
05/91 to 03/97 [redacted]
01/91 to 05/91 Academy, Administrative and Professional Standards

Weapon used: Fired one round of Department issued .12 gauge less-lethal stunbag ammunition from a Department issued Ithaca shotgun, Model 39.

Suspect
Xavier Gonzalez MH/04-10-82
Deceased

Witness
[redacted]FH/[redacted]
Work information:



[redacted]

> **IAB Note**: A surveillance video from W[redacted]work location is provided; refer to **Exhibit D, DVD labeled Discovery, surveillance video 2.**

Injuries
No deputies were injured.

Physical Evidence
All physical evidence was collected and documented by Scientific Services Bureau personnel. For more information, see **Exhibit A, pages 43 thru 113.** Additionally, two DVDs containing crime scene photographs, surveillance videos, and audio recordings are provided with this case, refer to **Exhibit D**.

Investigators' Observations
At the time of IAB investigators' arrival, the crime scene had been preserved.

Investigators noticed the involved deputies' vehicles were marked patrol cars with their emergency lights not activated. The vehicle's transmissions were in park and the engines were off. Investigators noticed numerous expended, as well as live shell casings, on the ground near the deputies' patrol cars. There were also expended casings found in the dirt parking lot, south of the station, near parked vehicles, where Sergeant Chism took cover. For further details, refer to **Exhibit A, pages 75 & 76**.

Investigators noticed the suspect vehicle parked in the middle of Stafford Street, facing south, with the doors closed. The vehicle had numerous holes in the body and windows, which appeared to have been caused by gunfire. Refer to the Property Damage section of this case.

Investigators noticed a black Heckler and Koch .45 caliber semiautomatic pistol lying on the grass, south of Suspect Gonzalez's position.

This incident occurred on Stafford Street, which is an east/west street, with two lanes of asphalted vehicular travel in each direction. A raised center median that consisted of grass and small trees separated the east and west lanes.

Industry Station was located on the northeast corner of Stafford Street and Hudson Avenue. There were industrial businesses located to the west on Stafford Street. For more information, see print outs of crime scene diagrams and actual crime scene pictures on DVD in **Exhibit D**.

Property Damage

The following is a description of property damage, as indicated on the Homicide investigators and Firearms Examiner's supplemental reports. Refer to **Exhibit A, pages 72- 77 & pages 98- 99**.

There was one bullet strike to patrol car #SH1211 (Mort and Wolford's vehicle), and eight bullet strikes to the suspect's vehicle.

Criminal Investigator

Homicide Detectives Mike Valento #[redacted] and John Duncan #[redacted]

Lighting and Weather Conditions

This incident occurred during daylight hours. The weather was sunny and dry.

Involved Employee Statements

*Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in **IAB Exhibit A, pages 47- 57** of the Homicide Investigation Book. The verbatim transcripts of those interviews are enclosed in this case. This IAB investigator reviewed the audio recordings of those interviews and found that Homicide's summary of each interview is an accurate account of what was said. Per Department protocol, none of the deputies authored a report regarding this incident.*

> **IAB Note:** During the IAB interviews, FO2339604 was mentioned by this investigator. That number was later voided due to the fact that Suspect Gonzalez was not struck by a stunbag round.

IAB Interview of Deputy Kenneth Mort

Deputy Kenneth Mort was interviewed by IAB investigators on November 14, 2013. The following is a summary of that interview. For more information and precise wording, see the attached verbatim transcription of the interview.

On the date of this incident, Deputy Tim Wolford was Deputy Mort's partner. Wolford was on [redacted] and was riding with Mort, due to his assigned [redacted] #[redacted], being on vacation. That morning, prior to the shooting, Mort and Wolford had discussed traffic stop tactics. Approximately three to five minutes after the robbery call on Valley Boulevard in Bassett was broadcasted Deputies Mort and Wolford located the stolen Dodge Charger. They located the Charger traveling eastbound on Temple Avenue, west of Hacienda Boulevard. The suspect's vehicle made evasive movements, after which Mort and Wolford initiated a pursuit. Mort broadcasted the pursuit via Sheriff's radio. They caught up to the suspect's vehicle on Hacienda Boulevard south of Temple Avenue. Suspect Xavier Gonzalez stopped the Dodge Charger on Stafford Street facing south, across the lanes of traffic, directly south of Industry Station. Wolford stopped their patrol car approximately 25 to 30 yards east of the suspect's vehicle, facing west. As they were coming to a stop, Mort recalled seeing Sergeant Robert Chism walking north down a driveway, south of the station, toward their direction.

Deputy Mort exited the passenger side of the patrol car in preparation for a felony traffic stop. Gonzalez exited the Dodge Charger with a handgun in his right hand, holding it down at his side. Once Mort saw the handgun, he repositioned himself to the passenger side trunk area of their patrol car. Wolford was positioned in the driver's side door frame of their vehicle. Gonzalez yelled, "Kill me motherfuckers, kill me, shoot me, shoot me," and at some point, holstered his handgun. Mort used that opportunity to go back inside their patrol car to retrieve the shotgun. He retrieved the shotgun because he felt he would have more ammunition with a wider spray pattern, and a better shot. Mort yelled at Wolford to get out of the car and Wolford moved to the rear driver's side area of their vehicle. Gonzalez ran around the front of the Dodge Charger to the front passenger side fender area. Mort took a position behind a tree, just north of their patrol car, along the parkway of the street. Once he took a position behind the tree, he realized he did not have a good shot at Gonzalez with the shotgun, so he transitioned back to his handgun.

At some point, Deputy Mort saw Sergeant Gregory Gutierrez to his left, while he was at the rear of his patrol car. He heard Gutierrez yell, "Beanbag" or "Stunbag" and then a shot being fired. Mort did not see the stunbag round as it was fired and was not aware if the stunbag round struck Gonzalez. Gonzalez stood up from the side of the Dodge Charger twice and pointed a handgun toward the area where Mort previously saw Chism. Fearing for Chism's safety, Mort fired his handgun once at Gonzalez, as he stood up the second time. At that time, Mort was not aware if Gonzalez fired his handgun. Mort was not aware if his round struck Gonzalez and he did not hear any other gunfire during the incident.

Mort fired only once because he no longer had a target after Gonzalez went down behind the west side of the Dodge Charger. His backdrop during the shooting was the station helipad area, and a vacant lot behind the helipad. There was no helicopter or any individuals on the helipad at the time.

Deputy Mort and Gutierrez used a ballistic shield to approach Gonzalez after he went to the ground. Chism initiated Cardio Pulmonary Recitation (CPR) on Gonzalez until paramedics arrived. Mort estimated the time as being less than one minute, from the time they stopped their vehicle on Stafford Street to when Gonzalez went down. Mort said he did not recall seeing Deputy Romel Piggue during the shooting.

Deputy Mort utilized crime scene pictures to indicate his locations during the incident. The pictures he used are included in **Exhibit C**.

IAB Interview of Sergeant Robert Chism

Sergeant Robert Chism was interviewed by IAB investigators on November 14, 2013. The following is a summary of the interview. For more information and precise wording, see the attached verbatim interview transcription.

Just prior to the shooting, Sergeant Chism was walking north from the Operation Safe Street trailers, heading across the street to Industry Station. He initially thought the incident with the white Dodge Charger and Suspect Gonzalez was a training scenario. He based that thought on the location of the incident being right outside of the station, the way Gonzalez was dressed and the holster attached to his waistband. It appeared that Gonzalez may have been an undercover officer wearing blue jeans and a button-down shirt. It also appeared that Gonzalez had on some sort of necklace that resembled a badge. Chism also thought Gonzalez may have been a sovereign citizen, but in his experience, they usually keep their weapon exposed and do not draw their weapon as Gonzalez did. Having all these things in mind, Chism monitored the situation to determine what was taking place. Chism heard Gonzalez yelling, "Kill me, kill me, I came, I conquered." He heard several deputies giving Gonzalez orders to get on the ground numerous times.

Initially, Sergeant Chism watched events unfold from the cover of an orange Mustang parked in the lot near him. Once he realized the situation was more critical, he moved to a cover position behind the engine block of a Range Rover, parked in the same lot. Chism realized the situation was critical once he saw a stunbag fired and the projectile going downrange, then actual gunfire and bullet holes going into the Dodge Charger. It appeared the stunbag round went three to four feet above and past Gonzalez's head. Gonzalez did not appear to notice Chism's location at this point. Once the stunbag round was fired, it appeared as if Gonzalez jumped or flinched. Gonzalez retrieved his weapon from his waistband, pointed it at deputies and ran around the front end of the Charger. It appeared that Gonzalez was using the Charger's engine block as cover and concealment.

Sergeant Chism recalled Gonzalez stood up from the side of the Charger approximately two or three times. As Gonzalez stood up, he leaned over the Charger, with his arms extended across the hood and the handgun pointed at the pursuing deputies; it appeared that Gonzalez fired one round. Chism believed that Gonzalez was firing at his partners.

Chism also believed he had a tactical advantage over Gonzalez because of his angle, as well as the fact that Gonzalez had not seen him. Chism thought that he could insert himself into the situation and save his partners, so he fired one to two rounds. It seemed as though Chism's rounds attracted Gonzalez's attention. Deputy Chism said Gonzalez stood up over the Charger's passenger door area and pointed his handgun at him. Chism fired his weapon twice at Gonzalez.

Sergeant Chism's backdrop was the south brick wall of Industry Station and he estimated his distance from Gonzalez to be approximately fifty feet. There was no pedestrian traffic on the street. He never saw the other deputies or their positions during the incident. He did not see who fired the stunbag. Once Gonzalez fell to the ground, he saw two deputies, whom he later realized were Sergeant Gutierrez and Deputy Mort, carrying a ballistic shield and approaching Gonzalez. Chism estimated the time from when Gonzalez stopped the Charger until he was shot to be approximately 40 to 45 seconds.

Sergeant Chism utilized a crime scene picture to indicate his locations during the incident. The pictures he used are included in **Exhibit C**.

<u>IAB Interview of Deputy Romel Piggue</u>

Deputy Romel Piggue was interviewed by IAB investigators on November 15, 2013. The following is a summary of the interview. For more information and precise wording, see the attached verbatim interview transcription.

This interview began by Deputy Piggue indicating his location, as well as Sergeant Gutierrez' location on the crime scene pictures included in **Exhibit C.** Piggue estimated that he parked his vehicle approximately 20 yards from the suspect's vehicle. Wolford and Mort were already parked at the scene, with their guns out and engaging Suspect Gonzalez. He saw Gonzalez standing outside of the white Dodge Charger with a handgun in a holster on his right hip. Piggue initially positioned himself in the driver's side doorjamb of his patrol car until he saw Gonzalez with a weapon. Piggue then repositioned himself at the trunk area of his patrol car. Piggue noticed that Sergeant Gutierrez had arrived and was also at the trunk of his patrol car. He heard Gutierrez ask if anyone had a stunbag (Piggue did not have one that day). He saw Gutierrez leave the trunk of his vehicle and return with a stunbag. He heard Gutierrez yell, "Stunbag" and fire one round. Gonzalez was standing by the driver's side of the Charger when the round was fired. It appeared that Gonzalez jumped out of the way of the stunbag round and it skipped off of the ground.

Gonzalez drew the handgun from his holster. Piggue fearing for his own safety, as well as his partners' safety, fired one round at Gonzalez, with his handgun. He did not know if the round struck Gonzalez, because Gonzalez ran around the front of the Charger to the passenger's side. Gonzalez ducked down on the passenger side of the Charger and then stood up with his arms extended over the hood. It appeared that Gonzalez was pointing his handgun at Piggue and his partners. Piggue attempted to fire his handgun again, but it malfunctioned. Piggue tried to clear the malfunction in his handgun three times, while ducked down behind his patrol car. During the malfunction, Piggue believed he ejected three live rounds from his handgun. He did not think of conducting a tactical reload to possibly clear the malfunction because the incident was over so quickly.

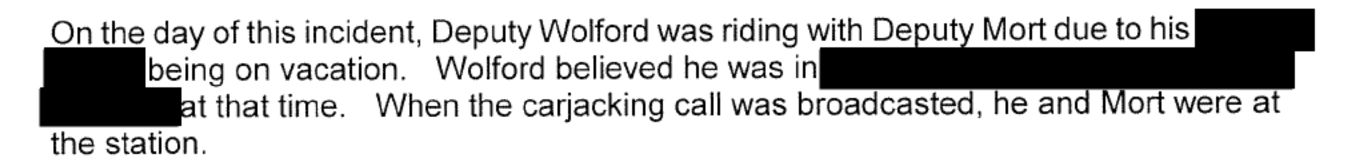
During the malfunction, Deputy Piggue's thought was that Gonzalez would possibly run up toward him. He also thought that if he could fire a round at the suspect, he could put an end to the situation before somebody got hurt. He said he was concerned for his partners' safety. After the shooting stopped, Piggue retrieved the shotgun from his patrol car in order to help approach and clear the Charger. Piggue said he did not see Chism at the scene during the shooting. At one point, Piggue saw Gonzalez point his weapon in a southeast direction, but he did not look in that direction to see who or what he may have been focused on at the time. Piggue estimated the time from when Gonzalez stopped the Charger, until he fell to the ground, to be approximately one minute to a minute and a half.

Piggue did not carry a backup weapon at that time. Since then, he carries a 12 shot Smith & Wesson as a backup weapon.

> **IAB Note:** Deputy Piggue's weapon was test fired and determined to be functional. Therefore, it is unknown why his weapon malfunctioned during the incident. Refer to Firearms Examiner- Edmund Anderson's supplemental, **Exhibit A, page 100- 103.**
>
> Additionally, Piggue [redacted] and [redacted]

<u>IAB Interview of Tim Wolford</u>

Deputy Tim Wolford was interviewed by IAB investigators on November 14, 2013. The following is a summary of the interview. For more information and precise wording, see the attached verbatim interview transcription.



On the day of this incident, Deputy Wolford was riding with Deputy Mort due to his [redacted] being on vacation. Wolford believed he was in [redacted] at that time. When the carjacking call was broadcasted, he and Mort were at the station.

They left the station and located the stolen white Charger on Temple Avenue. Wolford made a U-turn and attempted to catch up to the Charger. Mort asked him if he was going to initiate Code 9 radio traffic (pre-stop coordination). Just as he was going to grab the radio microphone, the Charger accelerated away from them and began making evasive moves. Mort began broadcasting the pursuit radio traffic as Wolford drove. Wolford pursued the Charger south on Hacienda Boulevard, through the smaller unsecured parking lot of Industry Station, until it eventually stopped on Stafford Street.

Suspect Gonzalez parked the Charger with the nose of the vehicle facing south, across the east/west lanes of traffic. Gonzalez exited the Charger on the driver's side, with a handgun in his hand, pointed down at the ground. Wolford paused, while still inside the patrol car, in order to get out of his seatbelt and to see if Gonzalez was going to charge toward them with his weapon. Wolford's thought was to back the patrol car up but saw that Mort had exited the passenger side and moved to the rear of their vehicle. Wolford's second thought was to hit Gonzalez with the patrol car if he charged at them. He could not get his seatbelt off, nor his firearm out of his holster, so he felt he was pinned in the vehicle and would have had no other choice. Once he saw Gonzalez holster his handgun, Wolford exited the patrol car. Wolford briefly paused in the driver's doorjamb with his weapon out, then repositioned himself at the trunk of their vehicle. Simultaneously, Mort was yelling at him, "Get out, get out; Go back. You're clear."

Deputy Wolford saw Sergeant Gutierrez and Deputy Piggue arrive on scene, to the left of his position. He and Mort were yelling commands for Gonzalez to drop his weapon. He heard Gonzalez say, "Kill me. Kill me. Just shoot me. Kill me. You're going to have to kill me." Wolford heard someone yell, "Stungun." In his peripheral vision, Wolford saw a stunbag projectile hit the Charger or somewhere on the ground, near Gonzalez' feet, but did not know who fired the less-lethal weapon. At that point, Gonzalez drew his handgun from his holster with his right hand and raised it toward Wolford. Fearing for his partners' safety, as well as his own, Wolford fired his handgun at Gonzalez. He fired from the trunk area of his patrol car, through the V- area of his open driver's side door. He fired at Gonzalez as he moved south, toward the front of the Charger, with the handgun still pointed in their direction. It appeared that Gonzalez was targeting one of the deputies to his left as he pointed his handgun at them. Wolford continued to fire several times because Gonzalez held his handgun in a threatening manner during the course of fire.

Gonzalez moved to the passenger side of the Charger and ducked behind the engine block. Gonzalez then walked north toward the trunk area of the Charger. Wolford saw Mort behind a tree to the north of him, so he thought Gonzalez was either going to shoot at Mort or was going to try and walk into Industry Station. Wolford moved to the passenger's side doorjamb of his patrol vehicle to provide cover for Mort. Gonzalez stopped and walked south, back to the passenger side of the Charger. Wolford conducted a tactical reload as he took cover behind his patrol car's trunk area. Gonzalez ducked down behind the passenger's side, engine block area of the Charger.

Gonzalez stood up from the passenger's side of the Charger and pointed his handgun at the deputies to Wolford's left. Wolford fired approximately three more rounds at Gonzalez and he went down. Wolford fired those rounds from behind the trunk of his patrol car. He said he did not know if any of his rounds struck Gonzalez.

As Wolford was shooting, he said his mindset was, "I needed to stop this suspect from killing me or one of my partners." Wolford was not sure if Gonzalez had fired his weapon or not. Wolford estimated the distance from where he fired his handgun to Gonzalez' location to be approximately ninety feet. He estimated the time from when he stopped the patrol car until when Gonzalez fell to the ground as forty seconds to a minute. During the shooting, Wolford recalled hearing one of the deputies to the left of him racking their weapon, as if they were trying to fix a gun jam. His backdrop while shooting both volleys of rounds was the helipad and an empty dirt lot behind it. He did not see any uninvolved pedestrians of vehicular traffic.

After the shooting, Wolford saw Gutierrez and Mort approach Gonzalez with a ballistic shield. Wolford and two other deputies cleared the Charger. He then saw Chism giving Gonzalez chest compressions.

Deputy Wolford utilized crime scene pictures to indicate his location, as well as Suspect Gonzalez's location during the incident. The pictures he used are included in **Exhibit C**.

Sworn Witness Statements

IAB Interview of Sergeant Greg Gutierrez

Sergeant Gutierrez was interviewed by IAB investigators on November 14, 2013. The following is a summary of the interview. For more information and precise wording, see the attached verbatim interview transcription.

Sergeant Gutierrez was in the rear parking lot of Industry Station, loading up a sergeant vehicle for the start of his shift, when the carjacking call in Bassett came out. As he listened to updated information on the Sheriff's radio, he drove out of the station lot. He heard unit 147D, Deputies Mort and Wolford, in pursuit of the stolen white Dodge Charger. He went toward their location on Hacienda Boulevard, saw the Charger drive through the unsecured smaller employee parking lot behind the station, and proceed west on Stafford, followed by 147D. Gutierrez parked his patrol car behind Mort and Wolford's vehicle as Gonzalez exited the Charger and pointed a handgun at them. Gonzalez then put the handgun into his waistband as he stood outside the driver's side door of the Charger. Gonzalez yelled, "Hey kill me, fuck you motherfuckers, just, just kill me." Deputies were giving him commands to get on the ground but he was not complying. Gutierrez asked if anyone had a stunbag, via Sheriff's radio. He knew he had a stunbag in his patrol car, so he retrieved it.

Gutierrez did not want Gonzalez to get back into the Charger and the pursuit to continue or for him to retrieve his weapon again and shoot someone. Gonzalez thought using less lethal force would possibly immobilize Gonzalez and end the situation. Gutierrez also believed that using a less lethal weapon was a viable option while Gonzalez had the handgun put away in his waistband. Gonzalez moved along the passenger side of Piggue's patrol car. He yelled, "Stunbag" and fired one round at Gonzalez. The stunbag round appeared to lose velocity, veered to the left, and did not strike Gonzalez. Gonzalez then reached for his waistband and ran around the hood of the Charger. Gutierrez heard the aero unit say that Gonzalez had a gun and was coming up over the hood of the Charger with it in his hands. Gutierrez said that as he placed the stunbag down on the trunk of Piggue's vehicle, he heard gunfire. Gutierrez peaked around Piggue's vehicle and saw Gonzalez down on the ground, with what appeared to be liquid coming from his body. He retrieved a ballistic shield from Sergeant [redacted] patrol vehicle, as he arrived on scene. Gutierrez, Mort and Chism approached Gonzalez. Chism secured Gonzalez's weapon and then initiated CPR.

Gutierrez said he was not certain of Piggue's location during the shooting. He recalled Wolford positioned at the doorjamb of his patrol car, then moved to the trunk area. He believed Mort was at the rear of their patrol car at one point and on the passenger side at another point. He did not know which of the deputies fired their weapons. He recalled seeing Piggue manipulating his handgun, but did not learn of the possible malfunction until after the incident. Gutierrez said he did not see Chism prior to the shooting. There were no uninvolved pedestrians or vehicular traffic on Stafford, nor anyone at the helipad during the shooting. He estimated the time from when Gonzalez stopped the Charger until he went down to be approximately one to two minutes.

Sergeant Gutierrez utilized a crime scene pictures to indicate his and his partners locations during the shooting. The pictures he used are included in **Exhibit C**.

<u>Aero Bureau Personnel</u>

Aero Bureau's Air-7 personnel, Pilot-Deputy Jeffrey Jones, Observer- Deputy John O'Hare and Reserve Deputy Richard Elmassian, were interviewed by Homicide investigators. Their account of the incident was essentially the same as the involved personnel who were on the ground. For more details, refer to their supplemental reports, **Exhibit A, pages 14-22**, the summaries of their Homicide interviews, **Exhibit A, pages 57-60** and their verbatim transcripts, which are included with this case.

<u>Civilian Witness Statements</u>

<u>Witness</u> [redacted]

Witness [redacted] *was interviewed by Homicide Investigators, along with IAB investigators. The following is a summary of the interview. For more information, refer to* ***Exhibit A, pages 46- 47*** *and the verbatim transcript of that interview.*

Ms. [redacted] said she was alone in her office at the time of this incident. She was watching television when she suddenly heard sirens and a helicopter outside. She went outside to see what was occurring. She saw a white vehicle (Charger) and several patrol cars in the middle of the street. She saw the Charger parked in a north, south direction. She heard deputies yelling several things, but due to how far she was from them she could not determine what was said. She said she could not see who the deputies were yelling at, so she went back inside her office.

Approximately two minutes later, [redacted] got curious again and walked back outside to see what was occurring. At that point, she could see the deputies with their weapons pointing at Suspect Gonzalez. As Gonzalez was standing on the passenger side of the Charger, he raised his arm and appeared to be pointing a handgun at deputies. She believed that Gonzalez was in that position for one to two minutes when she heard numerous gunshots. She got scared and ran back inside her office. She looked through her office window and heard more gunshots. It appeared that Gonzalez still had his arm pointed toward deputies and was running around on the passenger side of the Charger. It appeared Gonzalez was in a running motion as he fell to the ground. She saw deputies approach Gonzalez with a protective shield but due to her being very nervous, she no longer paid attention to any details. She no longer saw any movement by Gonzalez once he fell to the ground.

> **IAB Note:** A video surveillance from Witness [redacted] place of business, [redacted], depicts her movements. It also shows Gonzalez's movements at a distance, refer to **Exhibit D (DVD), surveillance video 2, Cam 1 & 3.**

Suspect Statements

None – Suspect deceased.

Additional Information

Ms. [redacted] the [redacted] of Suspect Gonzalez, was interviewed by Homicide investigators. [redacted] and her [redacted] were experiencing financial difficulties, so they were in the process of moving to Mexico with their [redacted] [redacted] and Gonzalez spent the night at the Valley Inn Hotel, which was directly across the street from Casino Auto Sales (carjacking location). The morning of this incident they had argued over personal [redacted] issues. [redacted] left the hotel in her vehicle and she had not heard from Gonzalez the rest of that day. She verified that Gonzalez always carried a black .45 caliber handgun in a leather holster, for protection. She saw him with that handgun prior to leaving their hotel room. She said Gonzalez did not have any medical issues and that he used marijuana. For more information from this interview, refer to Homicide's investigator's summary, **Exhibit A, page 62.**